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## Proposed Regulation Agency Background Document

<b>Agency name</b>	Child Day-Care Council
<b>Virginia Administrative Code (VAC) citation</b>	22 VAC 15-20
<b>Regulation title</b>	General Procedures and Information for Licensure
<b>Action title</b>	Repeal existing regulation
<b>Document preparation date</b>	Enter date this form is uploaded on the Town Hall

This information is required for executive review ([www.townhall.state.va.us/dpbpages/apaintro.htm#execreview](http://www.townhall.state.va.us/dpbpages/apaintro.htm#execreview)) and the Virginia Registrar of Regulations ([legis.state.va.us/codecomm/register/regindex.htm](http://legis.state.va.us/codecomm/register/regindex.htm)), pursuant to the Virginia Administrative Process Act ([www.townhall.state.va.us/dpbpages/dpb\\_apa.htm](http://www.townhall.state.va.us/dpbpages/dpb_apa.htm)), Executive Orders 21 (2002) and 58 (1999) ([www.governor.state.va.us/Press\\_Policy/Executive\\_Orders/EOHome.html](http://www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)), and the *Virginia Register Form, Style and Procedure Manual* ([http://legis.state.va.us/codecomm/register/download/styl8\\_95.rtf](http://legis.state.va.us/codecomm/register/download/styl8_95.rtf)).

### Brief summary

*Please provide a brief summary of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Do **not** state each provision or amendment or restate the purpose and intent of the regulation.*

The Code of Virginia mandates the licensure of child day centers and the programmatic standards for centers are promulgated by the Child Day-Care Council. The General Procedures regulation contains general licensing requirements for all programs licensed by the Department of Social Services, including child day centers, and has been jointly promulgated by the Child Day-Care Council and the State Board of Social Services. A memorandum from the Office of the Attorney General, dated November 22, 2002, stated that the Council could, but was not required to, promulgate a separate General Procedures regulation. Council voted on June 12, 2003 not to promulgate a separate regulation. Therefore, 22 VAC 15-20 is being repealed. The General Procedures regulation adopted by the State Board of Social Services will apply to all licensed programs.

### Basis

*Please identify the state and/or federal source of legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly bill and chapter numbers, if applicable, and (2) promulgating entity, i.e., the agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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Section 63.2-1734 of the Code of Virginia gives the Child Day-Care Council authority to adopt regulations for the activities, services and facilities of child day centers; and section 63.2-1735 establishes the Council and sets forth its terms and duties.

### Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

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Since 1989 the Child Day-Care Council has jointly promulgated the General Procedures regulation with the State Board of Social Services. The Board's and Council's regulations have been identical. In the interest of cost savings and ease of implementation of the regulation for both licensees and licensing staff, Council decided not to promulgate a separate regulation that is duplicative and unnecessary.

### Substance

*Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. (Provide more detail about these changes in the "Detail of changes" section.)*

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The entire regulation is recommended for repeal.

### Issues

*Please identify the issues associated with the proposed regulatory action, including:*

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

*If there are no disadvantages to the public or the Commonwealth, please indicate.*

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The advantage to licensees and licensing staff is that there will be one regulation that applies consistently to all licensed programs.

There are no disadvantages to the public or Commonwealth.

**Financial impact**

*Please identify the anticipated financial impact of the proposed regulation and at a minimum provide the following information:*

<b>Projected cost to the state to implement and enforce the proposed regulation, including (a) fund source / fund detail, and (b) a delineation of one-time versus on-going expenditures</b>	
<b>Projected cost of the regulation on localities</b>	
<b>Description of the individuals, businesses or other entities likely to be affected by the regulation</b>	
<b>Agency’s best estimate of the number of such entities that will be affected</b>	
<b>Projected cost of the regulation for affected individuals, businesses, or other entities</b>	

There is no anticipated fiscal impact of repealing the regulation.

**Alternatives**

*Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.*

The alternative would be to have two separate General Procedures regulations. This might have resulted in requirements for child day centers that were different from those for the Department’s other licensed programs. Additionally, State Board has sole authority to promulgate portions of the regulation that apply to child day centers.

**Public comment**

*Please summarize all public comment received during 30-day period following the publication of the NOIRA, and provide the agency response.*

Committer	Comment	Agency response
Member, Republican Women's Forum	Pleased with Council's regulatory proposals. Efforts are being made to make the regulations more specifically focused toward child care centers.	None.
Licensee	I would like to go on record as supporting VAC 15-21-30 regarding the General Procedures and Information for Licensure of Child Day Centers	None.
Staff, child day center	Please support VAC 15-21-30, the department has the responsibility to explain the licensing process, the council has the responsibility to interpret the standards.	A memorandum from the Office of the Attorney General dated July 10, 2000 states that: The State Board of Social Services and the Child Day-Care Council are charged by the legislature in § 63.2-1734 of the Code of Virginia with the responsibility to promulgate regulations for the "activities, services, and facilities" to be employed by persons and agencies required to be licensed...." Under § 63.2-1735, the Child Day-Care Council "shall adopt regulations for licensure and operation of child day centers in the Commonwealth in accordance with the regulations referred to in § 63/2-1734. These two Code Sections make no reference to additional powers or duties of the Council. Nothing in Code §§ 63.2-1734 or 63.2-1735 gives the Council the authority to issue separate "interpretations" of its own regulations.
Child day center affiliation	Support VAC 15-21-30 entitled Responsibility of the Department- specifically about the department having the responsibility to explain the licensing process and the council having the responsibility to interpret minimum standards.	
Child care worker	As a child care worker I support VAC 15-21-30 saying "the department has the responsibility to explain the licensing process, the council has the responsibility to interpret minimum standards. This will reduce misinterpretation of the standards."	
Executive Director, IACCEPT	I want to go on record in support of VAC 15-21-30 entitled, Responsibility of the Department. Specifically, I support the addition of the standard that indicates while "the department has the responsibility to explain the licensing process, the council has the responsibility to interpret minimum standards. This will reduce misinterpretation of standards."	

**Impact on family**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability.*

Repeal of the regulation will have no impact on the institution of the family or on family stability.

**Detail of changes**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail all new provisions and/or all changes to existing sections.*

*If the proposed regulation is intended to replace an emergency regulation, please list separately (1) all changes between the pre-emergency regulation and the proposed regulation, and (2) only changes made since the publication of the emergency regulation.*

For changes to existing regulations, use this chart:

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change and rationale</b>

The entire regulation is recommended for repeal.